

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JUAN MEDINA,

Plaintiff,

v.

CAUSE NO.

KANIA, INC., MB GLOBAL LOGISTICS,
INC., and MOHAMED IBRAHIM,

Defendants.

DEFENDANTS' NOTICE OF REMOVAL OF STATE COURT ACTION

Pursuant to Sections 1332, 1441(a), and 1446, Title 28 of the United States Code, Kania, Inc., MB Global Logistics, Inc., and Mohamed Ibrahim, (collectively referred to as “Defendants”), hereby file this Notice of Removal, removing Cause No. D-504-CV-2022-00388, *Juan Medina v. Kania, Inc., MB Global Logistics, Inc., and Mohamed Ibrahim* from the Fifth Judicial District Court of Chaves County, New Mexico to the United States District Court for the District of New Mexico.

Relevant Background

1. Plaintiff Juan Medina commenced this action named Plaintiff’s Complaint for Damages and Personal injury (“Complaint”) in the Fifth Judicial District Court of Chaves County, New Mexico, Cause No. D-504-CV-2022-00388, on July 8, 2022. *See Exh. A*, State Court Record, appended hereto pursuant to D.N.M. LR-Civ. 81.1. 2.
2. Plaintiff’s Complaint arises out of Plaintiff’s allegation that “Defendant Mohamed Ibrahim struck Plaintiff’s vehicle on the passenger side”.... *See Exh. B*, Complaint. ¶¶ 11.
3. Plaintiff alleges jurisdiction and venue are proper in the Fifth Judicial District Court of Chaves County, New Mexico because “pursuant to NM Stat § 38-3-1 A (2018), it is the county in which Plaintiff resides”. *See Exh. B*, Compl. ¶ 7.

4. Plaintiff is a resident of Chaves County, New Mexico. *See* **Exh. B**, Compl. ¶ 1.
5. Defendant Kania, Inc. (“Kania”) is a company conducting business in the state of New Mexico, with its principal place of business in Bloomingdale, DuPage County, Illinois and is therefore a citizen of the State of Illinois for diversity purposes.
6. Kania now timely files this Notice of Removal. *See* 28 U.S.C. §§ 1441 and 1446(b)(3).
7. Defendant MB Global Logistics, Inc. (“MB Global”) is a company conducting business in the State of New Mexico, with its principal place of business in Addison, DuPage County, Illinois and is therefore a citizen of the State of Illinois for diversity purposes.
8. MB Global now timely files this Notice of Removal. *See* 28 U.S.C. §§ 1441 and 1446(b)(3).
9. Defendant Mohamed Ibrahim (“Ibrahim”) is a natural person and resident of High Point, Guilford County, North Carolina and is therefore a citizen of the State of North Carolina for diversity purposes.
10. Ibrahim now timely files this Notice of Removal. *See* 28 U.S.C. §§ 1441 and 1446(b)(3).

Grounds for Removal

11. Subject matter jurisdiction exists in this case pursuant to Section 28 U.S.C. § 1332, and therefore, removal of this case to federal court is proper because the amount in controversy exceeds \$75,000.00 and complete diversity exists among the parties.
 - a. The amount in controversy exceeds \$75,000.00.*
12. Pursuant to Section 1332, the amount in controversy must exceed the sum or value of \$75,000.00. *See* 28 U.S.C. § 1332(a).
13. On the face of the Complaint, Plaintiffs seeks to recover more than \$75,000.00, as Plaintiff seeks compensatory damages, loss of enjoyment of life, and costs and fees. *See* **Exh. B**.

14. It is facially apparent the amount in controversy exceeds \$75,000.00. *De Aguilar v. Boeing Co.*, 11 F.3d 55, 57 (5th Cir. 1993) (finding amount of controversy facially apparent because claims exceeded jurisdictional amount in controversy). Therefore, the amount in controversy requirement is satisfied.

b. Total diversity of citizenship exists among the parties.

15. Plaintiff is a citizen of the State of New Mexico.

16. Defendants Kania and MB Global are citizens of the State of Illinois.

17. Defendant Ibrahim is a citizen of the State of North Carolina.

18. Diversity of citizenship is assessed at the time the lawsuit is filed. *Freeport McMoRan, Inc. v. K N Energy, Inc.*, 498 U.S. 426, 428 (1991).

19. The citizenship of an individual is based on the individual's domicile. *Coury v. Prot*, 85 F.3d 244, 250 (5th Cir. 1996).

20. The citizenship of a corporation is its state of incorporation and the state in which it has its principal place of business. *See id.*; *see also* 28 U.S.C. § 1332(c)(1).

21. Complete diversity of citizenship exists among the parties.

Proper Venue and Compliance with Removal Procedure

22. Removal of this matter to federal court is timely as Defendant Kania was served on August 15, 2022; Defendant MB Global was served on August 13, 2022; and Defendant Ibrahim was served on August 17, 2022. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446 and within one year of the commencement of this action. *See id.* § 1446(c)(1).

23. Prompt written notice of the filing of this Notice of removal will be given to Plaintiff. Copies of this Notice of Removal have been served on counsel for Plaintiff and filed with the Clerk of the District Court of Chavez County, New Mexico. *See id.* § 1446(d).

24. Pursuant to Section 1441(a), removal to this Court is proper as the district and division embracing the place where the state action is pending.

25. True and correct copies of all process, pleadings, and the Orders served in the State court action are being filed with this Notice of Removal, as required by Section 1446(a).

WHEREFORE, Defendant Kania, Inc., Defendant MB Global Logistics, Inc., and Defendant Mohamed Ibrahim, pursuant to and in conformity with the requirements set forth in 28 U.S.C. §§ 1332, 1441, and 1446, respectfully removes Cause No. D-504-CV-2022-00388, *Juan Medina v. Kania, inc., MB Global Logistics, Inc., and Mohamed Ibrahim* from the Fifth Judicial District Court of Chaves County, New Mexico to the United States District Court for the District of New Mexico.

Respectfully Submitted,

RESNICK & LOUIS, P.C.

/s/ Harriett J. Hickman

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served upon all parties of record via the CM/ECF electronic filing system on this 25th day of August, 2022.

/s/ Harriett J. Hickman

Harriett J. Hickman, Esq.

